

RESOLUTION NO. 29-15

**A Resolution Providing Clarification To Ordinance No. 34-15,
the Fire Protection Ordinance**

WHEREAS, the Common Council of the City of West Lafayette passed Ordinance No. 34-15 on October 5, 2015; and

WHEREAS, Ordinance No. 34-15 provides for payment of Fire Hydrant rental costs by Indiana American Water Company, (I.A.W.) ratepayers; and

WHEREAS, Indiana Code 8-1-2-103(d) and other related rules and regulations of the state of Indiana provide the exclusive method of authorizing payment of fire hydrant rental costs by ratepayers; and

WHEREAS, the Indiana Utility Regulatory Commission (IURC) has pre-emptive legal authority in this area of the law; and

WHEREAS, two (2) provisions in Ordinance No. 34-15 require clarification so it is clear the City of West Lafayette does not intend nor seek to control or direct Indiana American Water and/or the IURC in pre-empted areas.

NOW, THEREFORE BE IT RESOLVED, by the Common Council of the City of West Lafayette that the following two (2) provisions of Ordinance 34-15 are clarified as hereafter stated. The two (2) provisions are:

First: "Irrigation meters for lawn watering purposes shall be excluded from the charge".

Second: "A person who qualifies for low income relief shall receive a fifty percent (50%) reduction in fire hydrant rental costs". [et. seq.].

The two (2) provisions, stated above, are to be interpreted solely as direction from the Common Council to the West Lafayette City Administration to provide the described citizens financial relief via the appropriate city funding sources until such time as regulatory or statutory changes may allow such financial relief to be included in a new schedule of rates. The two (2) provisions stated above are not intended to and are not legally effective to control the IURC nor I.A.W. in the implementation of Indiana Code 8-1-2-103(d) and related rules and regulations in providing for payment of fire hydrant rental costs by I.A.W. ratepayers.

The above recitals are incorporated herein in full.